

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
ST. JOSEPH DIVISION

PAUL A. CRIDLEBAUGH and	)	
BETTY J. CRIDLEBAUGH,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 12-6078-CV-SJ-ODS
	)	
CITIMORTGAGE, INC., et al.,	)	
	)	
Defendants.	)	

ORDER (1) DENYING PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT AND (2)  
DISMISSING DEFENDANTS CORESTAR FINANCIAL GROUP LLC  
AND CFS SETTLEMENT LLC WITHOUT PREJUDICE

The Docket Sheet reflects there are two remaining defendants in this suit: Corestar Financial Group LLC ("Corestar") and CFS Settlement, LLC. At various times Plaintiffs have indicated CFS Settlement is merely a fictitious name for Corestar. As discussed below, this issue (among others) has not been clarified despite requests from the Court.

On October 1, 2013, Plaintiffs filed a Motion for Default Judgment, seeking default judgment against Corestar. Corestar did not respond to the motion. In an order dated October 22, 2013, the Court observed that Corestar was properly served with the original complaint, had not been properly served with the Amended Complaint, but that Corestar had never responded to the original Complaint. Corestar was given until and including November 22, 2013, to show cause why a default judgment should not be entered; that date passed without a response from Corestar. The October 22 Order also observed the uncertainty as to whether Corestar and CFC Settlement were separate entities; Plaintiffs were directed to advise the Court as to the true situation, but did not do so.

On December 3, 2013, the Court issued an Order noting Plaintiffs primarily sought non-monetary relief and that it appeared they had already obtained all the non-

monetary relief they desired from their settlements with other Defendants. The Order further noted difficulty in ascertaining the basis for Corestar's liability because "[n]either the Complaint nor the Amended Complaint distinguish among the Defendants, so even though Corestar has defaulted and admitted Plaintiffs' allegations it is not possible to ascertain exactly what it is Corestar did to become liable." Consequently, it was impossible to determine what relief Plaintiffs (1) desired or (2) were entitled to. Plaintiffs were given until January 15, 2014, to "file a Brief explaining (1) what relief they are seeking from Corestar, (2) why they are entitled to it, and (3) the relationship between Corestar and CFS Settlement." (Emphasis supplied). Plaintiffs were also directed to provide a proposed order in a word processing format for the Court's consideration.

To date, Plaintiffs have not filed a response to the December 3 Order. Even though Corestar has not responded to anything filed in the case, and even if the Court deems all of Plaintiffs' allegations to be admitted, there remains nothing in the record justifying (1) Plaintiffs' entitlement to a judgment against Corestar or (2) Plaintiffs' entitlement to any particular relief. Therefore, the Court

1. denies Plaintiffs' Motion for Default Judgment because it lacks a sufficient basis for granting the motion (despite requesting Plaintiffs provide one), and
2. dismisses Defendants Corestar Financial Group LLC and CFS Settlement, LLC without prejudice because of Plaintiffs' failure to obey orders or prosecute their claims against these Defendants.

IT IS SO ORDERED.

DATE: January 23, 2014

/s/ Ortrie D. Smith  
ORTRIE D. SMITH, SENIOR JUDGE  
UNITED STATES DISTRICT COURT